

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ESTABLISHING TIME LIMITS
FOR COMPLETION OF CONSTRUCTION AND AMENDING CHAPTER 7 OF THE
BELMONT MUNICIPAL CODE

WHEREAS, on January 8, 2008, February 12, 2008, and March 25, 2008 the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and a staff report on establishing Time Limits for Completion of Construction by amending Chapter 7 of the Belmont Municipal Code and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth; and,

WHEREAS, the City Council hereby adopts the staff report (dated March 25, 2008) and the facts contained therein as its own findings of fact.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Chapter 7 of the Belmont Municipal Code be hereby amended to read as follows:

ARTICLE XIV. TIME LIMITS FOR COMPLETION OF CONSTRUCTION

Sec. 7-701. Purpose.

- a) A continuous stream of new and ongoing construction projects within the City has resulted in adverse impacts on its residents and businesses from the associated construction activities. These adverse effects include: noise, loss of on-street parking, stress on neighbors, impact on roads and other infrastructure, and a disproportionate demand on staff time, which increases as the length of the project increases.
- b) It is in the interest of the health, safety, and welfare of the citizens of Belmont to place a reasonable time limit on the duration of each construction project, so as to balance the needs of the owner of the project with those of his/her neighbors and the community, for the safe and peaceful enjoyment of their properties.

Sec. 7-702. Application

- a) This article shall apply to all construction, including all additions, alterations, modifications, repairs, and improvements, which requires a building permit.
- b) The time limit for completion of any building permit issued after January 1, 2002 shall be extended from the effective date of this ordinance pursuant to the time limits specified in Section 7-703 and Section 7-704.

Sec. 7-703 Time limits for construction completion required

As part of the building permit application, a reasonable valuation must be assigned to the project and approved by the building official. Based on that valuation, a construction time limit, commencing on the date of issuance of the building permit, shall be established in accordance with the table below.

Table of Time Limits

Estimated Value of Construction	Construction Time Limit (months)*
\$0 to \$50,000	9 months
\$50,001 to \$100,000	12 months
\$100,001 to \$500,000	18 months
Greater than \$500,000	24 months

* For landscaping work required by the Planning Commission, the applicant shall have an additional 90 days after the date of final inspection approval of the building permit by the Building Division for the main construction project.

Sec. 7-704 Extension

- a) In the event a project has not passed a final inspection in the allotted time period pursuant to Section 7-703, the applicant shall be entitled to a six-month extension to complete the work. The request for an extension must be made in writing 30 days prior to the expiration of the building permit. The extension shall be granted only if the applicant pays a fee in the amount of one-thousand dollars (\$1,000.00), and only if an inspection by the Building Division prior to the expiration of the original permit reveals no violations of any fire/health and safety codes at the project site.
- b) In the event a project has not passed a final inspection at the expiration of the initial six month extension, the applicant shall be entitled to no more than three additional 60 day extensions. Each extension is subject to payment of the associated fees, which are based on the table below. Each extension is subject to an inspection by the Building Division, prior to the expiration of the previous extension, to verify there are no violations of fire/health and safety codes at the project site. A request for an extension must be made in writing 30 days prior to the expiration of the building permit.

Fees for Additional Extensions

Extensions	Fee
1st 60 day extension	\$1,000.00
2nd 60 day extension	\$1,500.00
3rd 60 day extension	\$2,000.00

Sec. 7-705 Construction completion

For the purpose of this article, construction shall be deemed complete upon the final performance of all construction work, including, but not necessarily limited to, exterior repairs and remodeling, total compliance with all conditions of application approval, and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and approval of the construction work by the City shall mark the date of construction completion. Deadlines for the completions of landscaping are set forth in the Table of Time Limits.

Section 7-706 Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 7-707 Effective Date

This Ordinance shall take effect and be in force thirty (30) calendar days after the date of its passage.

Section 7-708 CEQA Exempt

This ordinance is categorically exempt from the provisions of Chapter 3 (commencing with Section 21100 of Division 13 of the Public Resources Code (California Environmental Quality Act (CEQA)) pursuant to the State CEQA Guidelines Section 15305, minor alterations and land use limitations of the CEQA Guidelines as an action that assures the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The City Council further finds that adoption of this ordinance does not require review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA Guidelines section 15378), and there is no possibility that the ordinance may have a significant effect on the environment (CEQA Guidelines section 15061.b).

Section 7-709 Public Nuisance

Any violation of this chapter shall constitute a public nuisance and, in addition to being subject to any other remedies allowed by law, may be abated as provided by law.

SECTION 2: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2008.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont